these rights "both according to the result and conclusion of experience, and the demands of existing circumstances." The development of the foregoing propositions, together with an illuminating treatise on "The State," calculated to explain and elaborate them, constitutes the first part of the book. With explanation and elaboration, however, these definitions seem hopelessly general. But it must be admitted that here the author sins in respectable company. Not even Locke was specific when he wrote of man's "Natural Right" to property, liberty, and life. What this "Right" may be at any particular time and place is the ever-recurring problem of community existence. We live in the hope that we are approximating its solution more and more closely. But no quite satisfactory definitions of "Natural Law" and "Natural Rights" have ever yet been penned. Lieber is suggestive and sound as far as he goes. For the careful student there is much of value in this theoretical portion of his work.

The second part of the Manual, devoted to "Political Ethics Proper," reflects Lieber nearly at his best. "By what moral principles ought we to be guided in specific political cases?" This question the author undertakes to answer in relation to the more important exigencies of political life as he knew it. He balks at no difficulties, and, at times, his conclusions somewhat shock the worthy editor. Thus Lieber justifies lying to an enemy and even poisoning wells in war time. (He completely abandoned the latter position in his Army Instructions.) But these are exceptional and extreme cases. Most of the questions which he deals with he illumines by practical comment, varied illustration, and sound and convincing judgment. The argument, though not always conclusive, never fails to be enlightening. No man can turn these pages, even casually, without profit. And yet the Manual of Political Ethics, in its present form, is likely to be esteemed rather than read. Much of the discussion is too prolonged and some of it is out of date. The work should be re-edited. It was written over seventy years ago, and such revision and editing as the present edition displays was done in 1873. We are still interested in woman suffrage and in the dangers of excessive party zeal, but who cares to read forty pages on the right of legislatures to instruct United States senators? Lieber's general principles should be preserved as he wrote them, together with as many of his specific observations as relate to living questions. But obsolete details and comment thereon should be eliminated or relegated to foot-notes. When this has been done, we shall have more reading of a sane, thoughtful, interesting and helpful book and not so much loose talk about its being a classic.

H. A. Y.

SIX ROMAN LAWS. Translated with Introduction and Notes by E. G. Hardy, M.A., D.Litt., Fellow and Tutor of Jesus College, Oxford. Oxford: The Clarendon Press. 1911. pp. vii, 176.

In this little book we have clear and accurate translations of six important monuments of Roman legislation with respect to public law. The laws translated are: *Lex Acilia Repetundarum, Lex Agraria, Lex Antonia de Termessibus Majoribus, Lex Municipii Tarentini, Lex Rubria de Gallia Cisalpina,* and *Lex Julia Municipalis.* The text used is the sixth edition of Bruns' *Fontes Juris Romani antiqui.* This is not the latest edition; but as the author says, no changes in the text of these laws appear in the seventh edition. The purpose of the translation is to permit students of history to use these important sources, without the labor of translating the unfamiliar legal phraseology and of wrestling with the numerous and difficult problems presented by gaps and lacunæ. These gaps and the conjectural restorations by which they have been filled are not indicated, so that the book must be a companion to Bruns rather than a substitute therefor. But the introductions and some of the notes

have independent value, and the introduction to the *Lex Acilia Repetundarum* is of value to the student of Roman procedure. As we are interested in Roman private law rather than Roman public law, lawyers are likely to have less use for the book than historians — for whom, indeed, it was prepared.

R. P.

EQUITY, ITS PRINCIPLES IN PROCEDURE, CODES, AND PRACTICE ACTS. The Prescriptive Constitution. By William T. Hughes. St. Louis: Central Law Journal Company. 1911. pp. xxiii, 610.

This book is written after the manner of the work on "Procedure" and that on "Grounds and Rudiments of Law" by the same author, and is intended to be supplementary to those works. A little over half of the book contains the text, the other portion being devoted to an elaborate text-index like that contained in the "Grounds and Rudiments of Law." The author dwells at great length upon the distinction between the mandatory and statutory records, vigorously maintaining the sanctity of the former under the "Prescriptive Constitution" or "higher law." As in his former treatises, Mr. Hughes finds his principles enunciated in Latin maxims which he asserts to be derived from the Civil Law, but many of which are, it would seem, of modern origin and peculiar to the common law. He restates his six "trilogies" which are already familiar to the readers of his earlier works.

Mr. Hughes is indefatigable in reading the cases, careful and exact in digesting them, original in his terminology and presentation, and logical in his reasoning. Many students of the law, however, and among them the writer of this review, are utterly unable to agree with his premises. They are inclined to doubt the existence of the "higher law" and to question the sacredness of the mandatory judicial record, and are inclined to regard many of the rules of pleading as technical and narrow and resulting from historical accident. A great deal of sound law, however, it must be admitted, has been collected between the covers of the book and forcefully and clearly presented. A. W. S.